

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LAWRENCE LANDRUM,

Petitioner,

-v-

CARL S. ANDERSON, Warden,

Respondent.

Case No. 1:96-cv-641

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

**ENTRY AND ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATIONS (Doc. #240) AND SUPPLEMENTAL REPORT AND
RECOMMENDATIONS (Doc. #246) IN THEIR ENTIRETY AND GRANTING
LANDRUM'S RULE 60(b) MOTION**

On August 22, 2012, Magistrate Judge Merz issued a Report and Recommendations (doc. #240) finding that Lawrence Landrum's ("Landrum's") Rule 60(b) Motion should be granted. The Warden objected (doc. #243), and this Court then recommitted this matter to Magistrate Judge Merz (doc. #244). After this Court's recommittal, Landrum responded to the Warden's Objections. (Doc. #245.) Magistrate Judge Merz next issued a Supplemental Report and Recommendations with the same finding to which the Warden again objected (doc. #246) and Landrum responded to the Warden's Objections (doc. #251.) The Warden's objections to both the Report and Recommendations and the Supplemental Report and Recommendations are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that the Warden's Objections to the Magistrate Judge's Report and Recommendations and the Warden's Objections to the Magistrate Judge's Supplemental Report and Recommendations

are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations and Supplemental Report and Recommendations are adopted in their entirety. Landrum's Rule 60(b) Motion is GRANTED.

DONE and **ORDERED** in Dayton, Ohio this Fourth day of December, 2012.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record